



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,833	12/26/2001	Yuemean Chen	P-9366.00	9335

27581 7590 11/18/2004

MEDTRONIC, INC.  
710 MEDTRONIC PARKWAY NE  
MS-LC340  
MINNEAPOLIS, MN 55432-5604

EXAMINER

PITARO, RYAN F

ART UNIT PAPER NUMBER

2174

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,833	<b>Applicant(s)</b> CHEN ET AL.	
	<b>Examiner</b> Ryan F Pitaro	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07102002</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-12 have been examined.

#### ***Claim Rejections - 35 USC § 112***

2. Claim 12 recites the limitations "said PC and said programmer" in line 1 of claim 12. There are insufficient antecedent basis for these limitations in the claim.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 4,7 are rejected under 35 U.S.C. 102(b) as being anticipated by Olson et al ("Olson", US# 6,366,809).

As per independent claim 4, Olson discloses a software system implemented in conjunction with a microprocessor circuitry of a medical device, the software system comprising: means for displaying a plurality of capacitor status parameters (Figure 5 item 60); means for tracking voltage/energy level at any time during charging (Column 5 lines 37-39); and means for canceling a display at anytime during said charging (Figure 6B item 90).

Art Unit: 2174

As per claim 7, which is dependent on claim 4, Olson discloses a software system wherein a capacitor charging status of a start, charging and complete condition are displayed based on the respective charging status of the capacitor (Figure 5 items 62 & 64).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al ("Olson", US# 6,366,809) in view of Anderson ("Anderson", US#6,078,871).

As per independent claim 1, Olson discloses a software system in cooperation with a medical device microprocessor and circuitry to provide dynamic, real time display of capacitor and energy status, the software system comprising: a graphical user interface (Column 7 lines 33-35) indicating a plurality of status parameters (Column 7 lines 39-47); means for initiating access to said plurality of status parameters (Figure 6B item 90); and means for manifesting said dynamic, real time display of the status (Figure 5 item 60). However, Olson does not explicitly show a true graphical user interface, but Anderson teaches a graphical user interface (Figure 3). Therefore it would have

Art Unit: 2174

been obvious to an artisan at the time of the invention to combine Olson's system with the current teaching of Anderson. Motivation to do so would have been to provide a more detailed way of reporting the battery charge status.

As per claim 2, which is dependent on claim 1, the modified Olson discloses a software system including a status bar indicative of current condition of at least one of said plurality of status parameters (Olson, Figure 5 item 60).

As per claim 3, which is dependent on claim 1, while the modified Olson fails to expressly point out a cancel button being activated, Anderson does teach a software program, which shows battery status, executed by the CPU (Column 6 lines 34-37). Furthermore, Official Notice is taken that means for canceling ongoing programs are well known in the art. In most software environments, after a program has been executed the software gives means to terminate the program. This often comes in the form of an X button in the upper right hand corner, or a close button through a drop down menu. Therefore it would have been obvious to an artisan at the time of the invention to combine such a feature with the system of Olson and Anderson. Motivation to do so would have been to add functionality to the user interface.

As per claim 6, which is dependent on claim 4, Olson fails to distinctly point out voltage/energy levels. However, Anderson teaches a system including a charging status display of temporal voltage/energy level at any point during charging (Column 5 lines 19-20). Therefore it would have been obvious to an artisan at the time of the invention to combine Olson's system with the current

Art Unit: 2174

teaching of Anderson. Motivation to do so would have been to provide a more accurate assessment of the time needed to charge the system.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al ("Olson", US# 6,366,809) in view of Kaib et al ("Kaib", US# 5,929,601).

As per claim 5, which is dependent on claim 4, Olson fails to distinctly point out a normal or slow charging mode. However, Kaib teaches a system including charging circuit operation identified as normal or slow (Column 5 lines 53-55). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Olson with the teaching of Kaib. Motivation to do so would have been to provide the user the option to minimize charge when time is a factor.

8. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson ("Anderson", US#6,078,871) in view of Kaib et al ("Kaib", US# 5,929,601).

As per independent claim 8, Anderson discloses a capacitor charging display, displayable on a screen, the display comprising: means for displaying capacitor charging status (Figure 3); means for displaying starting voltage/energy (Column 5 lines 19-20); means for displaying target voltage/energy (Column 5 lines 19-20); means for displaying elapsed time (Figure 2); means for canceling charging operations (*unplug PC*); means for displaying the charging progress based on voltage/energy (Column 5 lines 19-20). Olson fails to distinctly point out

Art Unit: 2174

charging circuit conditions. However, Kaib teaches charging circuit condition (Column 5 lines 53-55). Therefore it would have been obvious to an artisan at the time of the invention to combine the display of Anderson with the teaching of Kaib. Motivation to do so would have been to provide the user the option to minimize charge when time is a factor.

As per claim 10, which is dependent on claim 8, the modified Anderson discloses a display wherein the screen is a PC screen (Anderson, Figure 1 item 115).

9. Claims 9,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson ("Anderson", US#6,078,871) in view of of Kaib et al ( "Kaib", US# 5,929,601) in further view of Rockwell et al ("Rockwell", US# 6,597,948)

As per claim 9, which is dependent on claim 8, the modified Anderson fails to specifically point out a programmer screen. However, Rockwell teaches a programmer screen (Figure 7 item 22). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified display of Anderson with the teaching of Rockwell. Motivation to do so would have been to provide a way of inputting data on the device.

As per claim 11, which is dependent on claim 9, the modified Anderson fails to distinctly point out a PC screen and programmer screen remotely located. However, Rockwell teaches a display wherein the PC screen is remotely located from said programmer screen (Column 14 lines 52-54). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified display of Anderson with the teaching of Rockwell. Motivation to do so would

Art Unit: 2174

have been to provide a way to analyze the data on a more suitable device made for processing.

As per claim 12, which is dependent on claim 11, the modified Anderson discloses a display wherein PC and programmer are connected in remote data communication (Column 14 lines 52-54).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US006532425B1 teaches a remote batter monitoring system interface.
- US006356284B1 teaches a user interface for monitoring battery energy/voltages.
- US006591135B2 teaches a medical device with charging buttons and a display status.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached 7:00am - 4:30pm Monday -Thursday, and alternating on Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The



Art Unit: 2174

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
Patent Examiner  
Art Unit 2174

  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

RFP